

### REMARKS

Claims 49-70 previously were withdrawn as the result of a restriction requirement.

#### Request for entry of amendments

Independent claims 1 and 25 have been amended, respectively, by incorporating the features of claims 2 and 26 (which have been canceled). Those amendments reduce the number of claims requiring examination and should not require further searching by the Examiner. As discussed below, applicant submits that those amendments place the claims in condition for allowance or at least in better condition for appeal.

Claim 4 has been amended as suggested by the Examiner. In view of that amendment, applicant respectfully requests withdrawal of the rejection under section 112, par. 2.

Claims 18 and 41 have been canceled to obviate the objections to those claims as allegedly being substantially duplicates of claims 17 and 40, respectively.

Applicant respectfully requests entry of the foregoing amendments.

#### The pending claims are patentable over the cited reference

The pending claims were rejected as either anticipated by or unpatentable over U.S. Patent No. 6,332,128 (Nicholson). As discussed below, applicant respectfully requests reconsideration.

Independent claims 1 and 25 relate to use of a discount means to allow the vending price of an item or group of items to be discounted. By incorporating the features of dependent claims 2 and 26, the independent claims now recite that the discount value is processed as (or converted to) a "phantom coin signal." As explained in the specification:

In this implementation, the value of tokens or coupons are translated into coin signals which may be transmitted to the vending controller 130. The vending controller then only sees cash (coin) signals and does not have to be capable of calculating any discounts. Thus, the appropriate software to generate the phantom coin signals could be resident in only the coin validator (for tokens) or the bill validator (for coupons) or in another discount device. Consequently, an existing automatic translation machine can be easily upgraded without having to change the vending controller software.

(Page 23, lines 8-17; *see also* page 2, lines 10-16) Thus, the discount device not only may have a monetary discount value associated with it, but the discount value is processed as if it a coin were received.

For example, one scenario in which use of the phantom coin signal according to the claimed subject matter can be useful is where the automatic transaction machine includes a coin acceptor installed in a vending machine. The vending machine control board may be programmed to recognize only particular values of coins received and accepted by the coin acceptor. It would be time-consuming and costly to change or modify the vending machine control software to recognize and process discount devices. On the other hand, it is can be easier and less expensive to make changes to software in the coin acceptor. If the coin acceptor recognizes and accepts a discount device such as a token, the associated discount value subsequently can be processed in the same way as if a coin were received. Thus, in the example, the coin acceptor would process the discount value as a "phantom coin" signal. The vending machine control board would not need to be aware of (and indeed typically would not be aware of) the separate existence of the discount device. Instead, the phantom coin signal would allow the vending machine control board to handle receipt of the discount device as if the discount device were a coin which the vending machine control board already was programmed to handle.

The Nicholson patent discloses the use of a paper receipt that includes a bar code and provide a discount for the purchase of gasoline. The Nicholson patent, however, does not

disclose or suggest a phantom coin signal, as recited in claims 1 and 25. Instead, the Nicholson patent discloses that a total discount amount associated with the receipt is subtracted from the normal price (col. 6, lines 29-31; col. 7, lines 21-26). After determining the price the customer is to be charged is the customer instructed to enter payment with a credit card or dollar bills (col. 7, lines 29-31). Although the customer may receive credit for the discount amount and any inserted cash, the apparatus disclosed by the Nicholson patent handles the discount amount associated with the paper receipt very differently from cash that a customer inserts as payment. There is absolutely no disclosure or suggestion of processing the discount value or converting it into "a phantom coin signal" as recited in the pending claims.

At least for those reasons, applicant respectfully requests withdrawal of the rejection of claims 1 and 25, as well as the dependent claims, as anticipated by or unpatentable over the Nicholson patent.

#### Conclusion

Applicant submits that the application should now be in condition for allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


Applicant : Craig Lewis et al.  
Serial No. : 09/767,792  
Filed : January 23, 2001  
Page : 17 of 17

Attorney's Docket No.: 07703-327001 / WCR0117

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/13/05

  
\_\_\_\_\_  
Samuel Borodach  
Reg. No. 38,388

Fish & Richardson P.C.  
Citigroup Center  
52nd Floor  
153 East 53rd Street  
New York, New York 10022-4611  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291

30239072.doc